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Trustee for LSF9 Master Participation Trust*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA**

DAVID P. KING, JR.,

Plaintiff,

v.

LSF9 MASTER PARTICIPATION  
TRUST,

Defendant.

Case 9:17-cv-00172-DLC-JCL

**MOTION TO EXCLUDE  
EVIDENCE OR ARGUMENT  
REGARDING POSSESSION OF  
THE ORIGINAL  
PROMISSORY NOTE**

Defendant U.S. Bank Trust, N.A., as trustee of the LSF9 Master Participation Trust (“U.S. Bank”) hereby moves the Court for an order *in limine* excluding any evidence or argument that U.S. Bank lacks possession of the

original promissory note signed by Plaintiff David P. King, Jr. (“King”) when he obtained the loan at issue in this matter. Such evidence is irrelevant to King’s claims and would not assist the jury in determining any fact at issue, and is therefore inadmissible under Rule 402, Fed. R. Evid. Additionally, such evidence or argument would mislead and confuse the jury as to the law, and would be an unwarranted and legally unnecessary distraction from any actual issues in this case. Accordingly, such evidence should be excluded under Rule 403, Fed. R. Evid.

A brief in support of this motion is filed herewith.

Pursuant to Local Rule 7.1(c)(1), Plaintiff’s counsel has been contacted regarding this motion, and Plaintiff opposes the motion.

Dated: June 19, 2019

**CROWLEY FLECK, PLLP**

By: /s/ Kenneth L. Lay

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